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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,977	03/16/2006	Albert Wauters	6.70.1069 PCT/IB-US (LBT1)	6276
7590 Levy & Grandinetti P.O. Box 18385 Washington, DC 20036-8385			EXAMINER NICHOLS II, ROBERT K	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 11/19/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,977	Applicant(s) WAUTERS ET AL.	
	Examiner ROBERT K. NICHOLS II	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/01/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-69 and 73-76 is/are rejected.
- 7) ☒ Claim(s) 70-72 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/11/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendment filed on 07/01/2009. As directed by the amendment: claims 58, 60, 68 and 76 have been amended, claims 1-51 were previously cancelled, and no new claims have been added. Thus, claims 52-76 are presently pending in this application.

Drawings

The drawings were received on 07/01/2009. These drawings are accepted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 58 and 59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 58 recites "adapted to about the keg" in lines 4-5. It is unclear as to what function the claimed flange portion is to perform.

Appropriate correction required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3754

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 52-60, 62-64, 66 and 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Timp (WO 00/03944).

Regarding claims 52, 60 and 76, Timp discloses a tap adapter for use in dispensing an alcohol beverage from a dispensing apparatus having a keg 2 for containing an alcohol beverage, the keg 2 having a neck 28, a valve assembly 18 mounted to the neck 28 of the keg 2, the valve assembly having a first valve 20 through which beverage is dispensed from the keg 2, and a housing (fig 14) in which the keg 2 and valve assembly 18 are positioned during beverage dispensing (see figures 1, 2 and 14, and page 10). Timp discloses the tap adapter including: a hollow arm (cover) adapted for releasably mounting in sealed relation with the valve assembly 18 in fluid flow communication with the first valve 20, the hollow arm having a first end portion and a second end portion remote therefrom, the first end portion adapted to connect to the first valve 20 to open the valve (see figures 2 and 14, page 11, lines 25-31 and page 21, lines 16-34). Timp discloses a tap (fig 14) connected to the remote end of the hollow arm (cover), and forms an integral part of the hollow arm (fig 14); the tap being operable between a closed position shutting off flow of beverage through the hollow arm, and an open position, permitting beverage to flow through the hollow arm and out the tap, the hollow arm being separable to receive an interchangeable dispensing tube 116 being a tubular cartridge for interconnecting the tap with the first valve 20 and through which the beverage is dispensed (see figure 14 and page 21, lines 16-34).

Regarding claims 53-57 and 66, Timp discloses the keg 2 has a self contained bag 4 filled with an alcohol beverage (fig 2), the valve assembly further having a second valve 8 through which pressurized air is fed into the keg against an outside wall of the bag 4, an air passageway 74 adapted to be connected to the second valve in sealed fluid communication therewith (see figures 1, 2 and page 12, line 31 - page 13, line 3) and an air supply means i.e. motorized or manual pump connected to the air line passageway for supplying pressurized air to the second valve (page 34, lines 23-33).

Regarding claims 58 and 59, Timp discloses the valve assembly 18 has a valve neck portion that extends beyond the neck portion of the keg 2 (fig 2); and a base portion 100 for supporting the hollow arm, the base portion 100 comprising a neck 102 adapted to releasably engage the valve neck and an annular flange portion adapted to abut the keg (see figure 14); the base portion has spring locking members (coupling members) that engage the valve neck and movable to release the adapter from the valve assembly 18 (see figures 12 and 13, and page 19, line 22 - page 20, line 22).

Regarding claims 62 and 63, Timp discloses the hollow arm (cover) being pivotally connected adjacent the first end portion 100 to permit for separation of the hollow arm into an upper arm portion and a lower arm portion (see figure 14 and page 21, lines 16-34). Timp further discloses lower arm portion 100 is adapted to receive the

Art Unit: 3754

cartridge in snap fit relation therewith (see figures 14 and page 15, lines 1-32).

Regarding claim 64, Timp discloses the hollow arm (cover) supports an insertable tubular cartridge having a tube 116 through which the beverage flows (see figure 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 61 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timp (WO 00/03944) in view of Boudier (FR 2 778 959).

Regarding claims 61, and 65, Timp discloses all the elements of the claimed invention but is silent to the tap having a cam member.

Boudier teaches a beverage dispenser including a tap 4 having a passageway 12 with an entry 14 and exit 16 for liquid by a lever 18 operated cam 44; wherein the cam acts on the flexible tube 8, regulating or cutting off the flow of liquid (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the device of Timp, with a tap having a cam member, as taught by Boudier, in order to regulate fluid flow.

Art Unit: 3754

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 67-69 and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timp (WO 00/03944) in view of Burdett (GB 1 274 075).

Regarding claims 67-69, Timp discloses all the elements of the claimed invention except the tap adapter including a relief valve.

Burdett teaches a beverage dispenser including a tap having a relief valve 12, located downstream of the tap liquid closure member 14 and upstream of the discharge end portion 7. Burdett further discloses when member 14 is in a closed position inhibiting flow of the beverage, the relief valve is adapted to allow air to pass into the arm (via inlet 17) upstream the discharge end 7, allowing the liquid still remaining in the tap body to drain out quickly, cleanly, and without disturbance caused by an air lock which would otherwise be formed immediately following closure of the valve (see figures 2-4, and page 2, lines 83-87).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the device of Timp, with a relief valve as taught by Burdett, in order to allow the liquid still remaining in the tap body to drain out quickly, cleanly, and without disturbance caused by an air lock.

Regarding claims 73-75, the device of the combination of Timp and Burdett discloses all the claimed elements (see discussion of claims 53-57 and 66 above).

Allowable Subject Matter

Claims 70-72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 07/01/2009 have been fully considered but they are not persuasive.

Applicant argues that Figures 1 and 2 of the Timp reference do not relate to beverage dispensing while Figures 4 and 14 do. In response to Applicant's argument it is noted that Figures 1-17 of Timp illustrate features of a beverage dispensing system, thus Figures 1-17 all relate to beverage dispensing.

Applicant further argues that the Timp device fails to disclose the limitation of claim 52, which recites "said hollow arm being separable to receive an interchangeable dispensing tube being a tubular cartridge for interconnecting the tap with the first valve and through which the beverage is dispensed."

In response to Applicants argument the Examiner notes the Office Action dated 04/01/2009 illustrates a hollow arm (cover) being separable to receive an

Art Unit: 3754

interchangeable dispensing tube 116 being a tubular cartridge (see discussion of claims 52, 62 and 63).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ROBERT K. NICHOLS II** whose telephone number is (571)270-5312. The examiner can normally be reached on Mon-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. K. N./
Examiner, Art Unit 3754

/Kevin P. Shaver/
Supervisory Patent Examiner, Art
Unit 3754